IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Original Jurisdiction

Dated: Nainital: the 23rd **day of** July 2002

Criminal Misc. Bail Application No. 643 of 2002

Order on the Bail Application of the accused -Narendra Singh S/o Gopi Ram and Ishwari Singh S/o Bhagat Singh, both residents of Naugia Patiya P.S. Khatima, district Udham SIngh Nagar

CRIMINAL SIDE

Narendra Singh S/o Gopi Ram and Ishwari Singh S/o Bhagat Singh, both residents of Naugia Patiya P.S. Khatima, district Udham Singh Nagar

Versus

State of Uttaranchal.

……Opposite Party.

Arising out of Case Crime No 205 A 2002
Under Section 147/148/149/452/307/302 I.P.C..
Police Station-Khatima distirct Udham SIngh Nagar

By the Court

Hon'ble Irshad Hussain, J.

Heard learned counsel for the applicant and the learned A.G.A.

This is second bail application. The learned counsel for the accused applicants argued that certain important factors were not considered at the time of the disposal of the first bail application. It has been pointed out that none of the two victims of the case, namely, Sugriv and Smt. Rukmani sustained any firearm injury although both the accused applicants have been attributed use of firearm. In the F.I.R it has been mentioned that the firearm of the accused applicants has also hit their own man Om Prakash who later on succumbed to the firearm injuries. However, as pointed out in the cross-version there is allegation that Om Prakash was finally assaulted by the fire arm wielded by Pratap of the other party regarding which FIR was lodged on the same day at 7.30 a.m. It is not disputed that there is cross-version FIR which was lodged subsequently on the same day at 2.10 P.M. it was also submitted that the accused of the cross case have been released on bail. Considering the above facts that Surgiv and Smt. Rukmani did not sustain any fire arm injury and the FIR of the accused was lodged earlier to the FIR of the cross case, I am of the view that it is a fit case for bail. Let the accused applicants Narendra Singh S/o Gopi Ram and Ishwari Singh S/o Bhagat Singh, both residents of Naugia Patiya P.S. Khatima, district Udham Singh Nagar be released on bail in case crime no. 205 A of 2002 Under Section 147/148/149/452/307/302 I.P.C.. Police Station-Khatima district Udham SIngh Nagar on each of them executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. Udham Singh Nagar.

(Irshad Hussain, J.)

July 23, 2002.
M.P.S.